

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CONSUMER FINANCIAL
PROTECTION BUREAU,

Plaintiff,

v.

TRANSUNION; TRANSUNION, LLC;
TRANSUNION INTERACTIVE, INC.;
and JOHN T. DANAHER,

Defendants.

Civil Action No. 1:22-cv-01880

District Judge Elaine E. Bucklo

JOHN T. DANAHER’S MOTION TO DISMISS THE COMPLAINT WITH PREJUDICE

Defendant John T. Danaher (“Danaher”) respectfully moves, under Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss with prejudice the Complaint filed by Plaintiff Consumer Financial Protection Bureau (“CFPB”) against Danaher. For the reasons more fully explained in Danaher’s contemporaneously filed motion to dismiss, the CFPB’s sole count against Danaher should be dismissed for at least four reasons. First, Count II should be dismissed because the consent order that underlies Count II cannot be enforced against non-consenting parties like Danaher. Second, Count II should be dismissed to the extent the CFPB seeks damages from Danaher. Third, Count II should be dismissed because it fails to plausibly allege the elements of a cognizable claim against Danaher. Fourth, Count II is time-barred because the CFPB knew or should have known of all alleged facts against Danaher in 2017.

Dated: July 8, 2022

Respectfully Submitted,

By: /s/ Jeffery H. Knox

Jeffery H. Knox (*pro hac vice pending*)
Abram J. Ellis (*pro hac vice pending*)
Nicole A. Palmadesso (*pro hac vice pending*)
SIMPSON THACHER & BARTLETT LLP
900 G Street, NW
Washington, DC 20001
jeffery.knox@stblaw.com
aellis@stblaw.com
nicole.palmadesso@stblaw.com
Telephone: (202) 636-5500
Facsimile: (202) 636-5502

Ronald S. Safer
RILEY SAFER HOLMES & CANCELLO LLP
70 W. Madison Street, Suite 2900
Chicago, IL 60602
rsafer@rshc-law.com
Telephone: (312) 471-8736
Facsimile: (312) 471-8701

Counsel for Defendant John T. Danaher

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2022, I caused a true and correct copy of the foregoing to be served upon counsel of record as of this date by electronic filing.

By: /s/ Jeffery H. Knox
Counsel for Defendant John T. Danaher